

BakerHostetler

Baker&Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111

T 212.589.4200
F 212.589.4201
www.bakerlaw.com

Catherine E. Woltering
direct dial: 614.462.2677
cwoltering@bakerlaw.com

January 30, 2019

The Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408
bernstein.chambers@nysb.uscourts.gov

Re: *Picard v. Natixis Financial Products LLC*, Adv. Pro. No. 10-05353 (SMB)

Dear Judge Bernstein:

We write as counsel on behalf of the Trustee in the above-referenced adversary proceeding to respond to Defendant's letter requesting this Court change the timing and procedure for briefing to which the parties stipulated and this Court ordered (the "Stipulation") following a telephonic status conference with the Court on December 7, 2018. *See* ECF No. 172. Given the Stipulation, the Trustee submits that no conference with the Court is necessary.

Defendant agreed to the Stipulation, which expressly provides that Defendant is only entitled to file a motion to dismiss, if necessary and procedurally appropriate, *after* the motion or leave to amend was decided. Defendant's request would only complicate the procedure and schedule the Stipulation set forth, prolonging resolution of this action.

While the Trustee is prepared to adhere to any briefing schedule ordered or amended by this Court, he respectfully requests the Court not change the applicable procedure or timing for his pending Motion. The Trustee is prepared to discuss these issues at the Court's convenience. Thank you for your consideration.

Sincerely,

/s/ Catherine E. Woltering

Catherine E. Woltering

cc: Counsel for Defendant (*by ECF and email*)

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC